

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

ANNE BRUMBAUGH, GARY L. HARMON and )  
RANDY K. GRIFFIN, )  
Plaintiffs, )  
v. )  
WAVE SYSTEMS CORPORATION, STEVEN K. ) CIVIL ACTION  
SPRAGUE and GERARD T. FEENEY, ) NO. 04-30022-MAP  
Defendants. )  
)

---

**JOINT MOTION TO MODIFY  
CLASS CERTIFICATION BRIEFING SCHEDULE  
(NO CHANGE TO HEARING DATE)**

The Parties hereby respectfully request that this court extend the class certification briefing schedule by 7 days. *This extension will not effect the scheduled July 10, 2006 hearing on Plaintiff's Motion for Class Certification.*

As grounds for this motion, the Parties states as follows:

1. Per this Court's order issuing from the Initial Scheduling Conference on February 27, 2006, the Defendants are conducting discovery of the Named Plaintiff's concerning class certification issues (the "Class Certification Discovery"). Per this Court's April 13, 2006 order, all Class Certification Discovery must be completed and Defendants' Opposition to Plaintiffs' Motion for Class Certification must be filed by May 30, 2006.

2. Scheduling issues have arisen concerning the deposition of one of the Named Plaintiffs, who will be unavailable for a deposition until May 26, 2006. The Parties have agreed to depose this Named Plaintiff on that date.

3. To permit the Defendants sufficient time to complete Class Certification Discovery and to complete Defendants' Opposition to Plaintiffs' Motion for Class Certification and brief in support thereof, the Parties submit that there is good cause for the Court to permit a brief (7 day) extension of the class certification briefing schedule as follows:

- (a) Defendant's Opposition to Plaintiffs' Motion for Class Certification due June 6, 2006;
- (b) Plaintiff's Reply to Defendant's Opposition due 6/22/06; and
- (c) Defendants' Sur-reply due July 7, 2006.

The scheduled hearing on Plaintiffs' Motion for Class Certification will continue to proceed on July 10, 2006 at 2:00 P.M. or as the Court may otherwise order.

WHEREFORE, the Parties respectfully request that this Joint Motion to Extend Class Certification Schedule be ALLOWED.

COUNSEL FOR PLAINTIFFS

By their attorneys

/s/ David Pastor  
 David Pastor BBO #391000  
 Gilman and Pastor, LLP  
 60 State Street  
 37th Floor  
 Boston, MA 02109  
 (617) 742-9700

Gregory Castaldo  
 Karen E. Reilly  
 SCHIFFRIN & BARROWAY, LLP  
 280 King of Prussia Rd.

COUNSEL FOR DEFENDANTS

By their attorneys,

/s/ Michael D. Blanchard  
 Robert A. Buhlman, BBO #554393  
 Michael D. Blanchard, BBO #636860  
 Bingham McCutchen LLP  
 150 Federal Street  
 Boston, MA 02110  
 (617) 951-8000

Radnor, PA 19087  
Telephone: (610) 667-7706

Dated: May 1, 2006

**Certificate of Service**

I, Michael D. Blanchard, hereby certify that on May 1 2006, a true and correct copy of the foregoing was served electronically upon counsel of record for each other party.

/s/ Michael D. Blanchard  
Michael D. Blanchard